

Selected docket entries for case 15-4057

Generated: 04/07/2015 13:17:56

Filed	Document Description	Page	Docket Text
01/30/2015	<u>1</u>	3	Criminal case docketed. Originating case number: 1:13-cr-00435-WO-1. Date notice of appeal filed: 01/29/2015. Case manager: CBennett. [15-4057] (CB)
02/03/2015	<u>2</u>		DOCUMENT re transcript by Appellant Brian David Hill. [999522857] [15-4057] (CB)
	<u>2</u> Transcript from Jane Calhoun	4	
	<u>2</u> Transcript from Joseph Armstrong	8	
	<u>2</u> envelope	16	
02/05/2015	<u>3</u>		ORDER filed [999524497] appointing/assigning counsel. Nunc pro Tunc Date: 02/05/2015. Additional attorneys added: Mark A. Jones for Brian David Hill, in case 15-4057 Representation Type: CJA-TD.. Copies to all parties. Mailed to: Brian Hill, 916 Chalmers Street, #2D, Martinsville,VA 24112. [15-4057]--[Edited 02/05/2015 by CB] (LM)
	<u>3</u> Appointment Order	17	
	<u>3</u> New Counsel Notice	19	
02/05/2015	<u>4</u>	25	DOCKETING NOTICE issued Re: [<u>1</u>] case docketed. Initial forms due within 14 days. Originating case number: 1:13-cr-00435-WO-1.. [15-4057] (CB)
02/05/2015	<u>5</u> Appearance of counsel (Local Rule 46(c))	31	APPEARANCE OF COUNSEL (Local Rule 46(c)) for US.[999524722] [15-4057] Anand Ramaswamy
02/05/2015	<u>6</u> MOTION	32	MOTION by Appellee US to dismiss appeal [6]. Date and method of service: 02/05/2015 ecf. [999524726] [15-4057] Anand Ramaswamy
02/05/2015	<u>7</u>	37	NOTICE ISSUED to Mr. Mark A. Jones for Brian David Hill requesting response to Motion to dismiss appeal [6]. Response due: 02/20/2015.[999524730].. [15-4057] (CB)
02/05/2015	<u>8</u> MOTION	38	MOTION by Appellant Brian David Hill for stay of judgment. Date and method of service: 02/02/2015 US mail. [999525156] [15-4057] (CB)
02/06/2015	<u>9</u>	43	NOTICE ISSUED to Brian David Hill re: document received/transmitted to counsel.. Mailed to: Brian Hill, 916 Chalmers Street, #2D, Martinsville,VA 24112. [15-4057] (CB)
02/10/2015	<u>10</u> Document referencing	44	DOCUMENT: Pro se response by Appellant Brian David Hill. [999526998] [15-4057] (CB)
02/10/2015	<u>11</u> Disclosure of corporate affiliations (LR 26.1)	47	DISCLOSURE OF CORPORATE AFFILIATIONS (Local Rule 26.1) by Appellant Brian David Hill. Was any question on Disclosure Form answered yes? No [999527151] [15-4057] (CB)
02/10/2015	<u>12</u> Docketing statement (criminal)	49	DOCKETING STATEMENT by Appellant Brian David Hill (pro se). Transcript needed: Y Transcript already on file: N Transcript order attached: Y [15-4057] (CB)

02/11/2015	<u>13</u>	65	NOTICE ISSUED to Brian David Hill re: document received/transmitted to counsel. Document transmitted: [<u>12</u>] docketing statement, [<u>11</u>] disclosure statement. Mailed to: Brian Hill. [15-4057] (CB)
02/17/2015	<u>14</u> RESPONSE/ANSWER (to motion or request)	66	RESPONSE/ANSWER by Brian David Hill to Motion to dismiss appeal [6]. Nature of response: in opposition. [15-4057] Mark Jones
02/24/2015	<u>15</u> MOTION	69	MOTION by Appellant Brian David Hill to strike document #14. Date and method of service: 02/23/2015. Courier delivery. [999534705] [15-4057] (CB)
02/24/2015	<u>16</u> MOTION	71	MOTION by Appellant Brian David Hill to proceed pro se. Date and method of service: 02/23/2015 Courier delivery. [999534707] [15-4057] (CB)
04/06/2015	<u>17</u> MOTION	74	MOTION by Appellant Brian David Hill requesting that clerk act on motion to proceed pro se (DE #16). Date and method of service: 04/06/2015. [999560190] [15-4057] (CB)
04/07/2015	<u>18</u> Unpublished per curiam opinion filed	79	UNPUBLISHED PER CURIAM OPINION filed. Motion disposition in opinion--granting Motion to dismiss appeal [6]; denying Motion to strike [<u>15</u>]; denying Motion to proceed pro se [<u>16</u>]. Originating case number: 1:13-cr-00435-WO-1. Copies to all parties and the district court/agency. [999560233]. Mailed to: Brian Hill. [15-4057] (CB)
04/07/2015	<u>19</u>		JUDGMENT ORDER filed. Disposition method: 15-4057 opn.u.sub. Decision: Affirmed in part, dismissed in part. Originating case number: 1:13-cr-00435-WO-1. Entered on Docket Date: 04/07/2015. [999560294] Copies to all parties and the district court/agency. Mailed to: Brian Hill. [15-4057] (CB)
	<u>19</u> Judgment order filed	82	
	<u>19</u> Notice of Judgment	83	
04/07/2015	<u>20</u> Judgment and certiorari status form transmitted to defendant & counsel	85	Copy of judgment and certiorari status form transmitted to defendant and counsel. [<u>19</u>] Judgment Order , [<u>18</u>] Unpublished per curiam Opinion. Copy mailed to defendant?Yes. Address of Defendant: Home address. [15-4057] (LM)
04/07/2015			CERTIORARI STATUS FORM by Appellant Brian David Hill. [15-4057] Mark Jones
04/07/2015	<u>22</u> MOTION	87	MOTION by Appellant Brian David Hill to withdraw/relieve/substitute counsel.Attorney or client motion? Attorney. Was a copy of the motion served on the defendant? Y. Was the defendant advised of right to file response within 7 days? Y. Date and method of service: 04/07/2015 ecf, US mail. [999560538] [15-4057] Mark Jones

FILED: January 30, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057
(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

This case has been opened on appeal.

Originating Court	United States District Court for the Middle District of North Carolina at Greensboro
Originating Case Number	1:13-cr-00435-WO-1
Date notice of appeal filed in originating court:	01/29/2015
Appellant (s)	Brian David Hill
Appellate Case Number	15-4057
Case Manager	Cathi Bennett 804-916-2704

**In the United States District Court
for the Middle District of North Carolina
Greensboro Division**

Defendant, ~~Brian D. Hill~~

Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes

for case 13-cr-435 of proceedings held as follows :

Status Conference 6/4/2014

before JUDGE N. C. TILLEY, JR

*CJA Voucher requested to pay Transcript fees as I
am indigent under CJA status. So pursuant to the
Criminal Justice Act (18 U.S.C. § 3206A) for purposes of
Appeal, I ask for the Transcript under CJA Voucher.*

Brian D. Hill *Jan 30, 2015*
signed

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

RECEIVED
2015 FEB -3 AM 9:50
U.S. COURT OF APPEALS
FOURTH CIRCUIT

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

by deposit in the United States Mail, Postage prepaid,

on January 30th, 2015

a true and correct copy of the foregoing

REQUEST FOR TRANSCRIPT, and signed CJA Voucher form(attached)

addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

and a true and correct copy addressed to:

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

and a true and correct addressed to:
U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

January 30th, 2015

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Status Conference 6/4/2014 - 10 pages

I am enclosing a copy of the CJA 24 voucher (filed with Clerk of the Court) form I have signed asking the United States to pay the transcript service fee. Since I am indigent I am sure the government will pay for the transcript fee for my Request for transcript.

If a fee is required, please ask the court how much I would be required to pay.

If you have any question, please let me know.

Best wishes to you,

Brian D. Hill
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

Brian D. Hill
Signed

Enc.

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./ DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER			
6. OTHER DKT. NUMBER		7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal			
9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se		11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) If more than one offense, list (up to five) major offenses charged, according to severity of offense. 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)			
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference, hearings for Pro Se motions filed - 6/4/2014 - 10 Pages							
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS		
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. Brian D. Hill Signature of Attorney Brian David Hill(Pro Se) Printed Name Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization			16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order Nunc Pro Tunc Date				
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Jane Allen-Calhoun, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 Telephone Number: (336) 332-6033				
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-10	10	\$3.65			\$36.50
Copy		1-10	10	\$0.90			\$9.00
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$45.50
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk _____ Date _____							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court _____ Date _____						24. AMOUNT APPROVED	

In the United States District Court
for the Middle District of North Carolina
Greensboro Division

Defendant, ~~Brian D. Hill~~

Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes
for case 13-cr-435 of proceedings held as follows :

Change of Plea Hearing 6/10/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Motion Hearing 9/3/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Called for sentencing 9/30/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Status Conference 10/15/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Sentencing Hearing 11/10/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Brian D. Hill *Jan 30 2015*
signed
Brian D. Hill (pro se)
916 Chalmer St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

*CJA Vouchers requested to
pay Transcript fees as I
am indigent under CJA
status. So pursuant to
the Criminal Justice Act
(18 U.S.C § 3026A) for purposes
of Appeal I ask for the
Transcripts under CJA Voucher.*

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

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a true and correct copy of the foregoing

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addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

and a true and correct copy addressed to:

Joseph Armstrong Court, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

and a true and correct copy addressed to:
U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015
Brian D. Hill (pro se)
916 Chalmer St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

January 30th, 2015

Joseph Armstrong, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Change of Plea Hearing 6/10/2014
Motion Hearing 9/03/2014
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I am enclosing a copy of the CJA 24 voucher (filed with Clerk of the Court) form I have signed asking the United States to pay the transcript service fee. Since I am indigent I am sure the government will pay for the transcript fee for my Request for transcript. *Multiple forms enc.*

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If you have any question, please let me know.

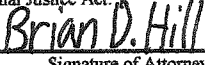
Best wishes to you,

Brian D. Hill (Pro Se)
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

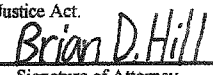
Brian D. Hill
Signed

Enc.

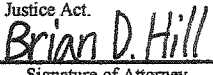
CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
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14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 <div style="text-align: right; margin-top: 10px;"> Telephone Number: (336) 332-6034 </div>			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original	1-28	28	\$3.65			\$102.20	
Copy	1-28	28	\$0.90			\$25.20	
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:						\$127.40	
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Claimant/Payee _____</div> <div>Date _____</div> </div>							
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22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Attorney or Clerk _____</div> <div>Date _____</div> </div>							
APPROVED FOR PAYMENT — COURT USE ONLY							
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CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

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7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
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B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original	1-25	25	\$3.65			\$91.25	
Copy	1-25	25	\$0.90			\$22.50	
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:						\$113.75	
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Called for sentencing - 9/30/2014 - 22 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="text-align: center;">  Signature of Attorney </div> <div style="text-align: center;"> 01/30/2015 Date </div> <div style="text-align: center;"> Brian David Hill(Pro Se) Printed Name </div> <div style="text-align: center;"> Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div>				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="text-align: center;"> _____ Signature of Presiding Judge or By Order of the Court </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> _____ Date of Order </div> <div style="text-align: center;"> _____ Nunc Pro Tunc Date </div> </div>			
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-22	22	\$3.65			\$80.30
Copy		1-22	22	\$0.90			\$19.80
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$100.10
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER			
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference - 10/15/2014 - 13 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="text-align: center;"> <u>Brian D. Hill</u> Signature of Attorney 01/30/2015 Date Brian David Hill(Pro Se) Printed Name Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div>				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="text-align: center;"> _____ Signature of Presiding Judge or By Order of the Court _____ Date of Order Nunc Pro Tunc Date </div>			
CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 Telephone Number: (336) 332-6034			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original	1-13	13	\$3.65			\$47.45	
Copy	1-13	13	\$0.90			\$13.90	
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:						\$61.35	
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
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22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date							
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23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

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7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
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13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). <i>NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14).</i> Sentencing Hearing - 11/10/2014 - 17 Pages							
14. SPECIAL AUTHORIZATIONS							JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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CLAIM FOR SERVICES							
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.				Telephone Number: (336) 332-6034			
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-17	17	\$3.65			\$62.05
Copy		1-17	17	\$0.90			\$15.30
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$77.35
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____							
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23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date						24. AMOUNT APPROVED	

Brian David Hill
916 Chalmers St. Apt. D
Martinsville, VA 24112

U.S.W.G.O.

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JAN 30 2015
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2 Request for Transcripts

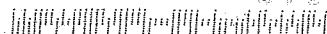
Clerk Of Court

U.S. Court of Appeals
1100 East Main Street
Suite 501

Richmond, VA 23219

Mailed Jan 30, 2015

03 2015



FILED: February 5, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057
(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

O R D E R

The court appoints Mark A. Jones to represent appellant on appeal. Counsel is referred to the memorandum on [Payment of Counsel Appointed under the Criminal Justice Act](#) for information on appointment terms.

In light of this appointment, appellate counsel is granted access to sealed district court material, with the exception of ex parte or in camera material to which defense counsel did not have access in the district court. Any transcripts sent to prior counsel shall be provided by prior counsel to newly appointed counsel.

The court having appointed new counsel for purposes of this appeal, any motion for further substitution of counsel shall be disfavored.

For the Court--By Direction

/s/ Patricia S. Connor, Clerk

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
OFFICE OF THE CLERK**

1100 East Main Street, Suite 501

Richmond, Virginia 23219-3517

www.ca4.uscourts.gov

Patricia S. Connor
Clerk

Telephone
804-916-2700

February 5, 2015

NEW CJA COUNSEL NOTICE

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029
336-714-4122
mjones@belldavispitt.com

Thank you for accepting initial appointment on appeal in this case. This office will work with you in any way necessary in connection with the appointment. The court uses a shorter briefing schedule in criminal cases and gives criminal cases priority on the docket under FRAP 31(a)(2). Since it is unusual to be granted more than one extension of the briefing schedule, your attention to the prompt briefing of the case is appreciated. The case manager for this case is Cathi Bennett, and the following information is provided for your use (click on an underlined document to access the document on the court's web site, www.ca4.uscourts.gov).

Initial Forms: Following forms must be filed within 14 days.

- [Appearance of Counsel](#) (must be registered for electronic case filing)
- [Docketing Statement](#) (if not yet filed)
- [Transcript Order Form](#) (order any necessary transcript)
- [CJA-24 Transcript Application](#) (if transcript is ordered)

Appointment and Case Information: Time and expense records must be maintained in accordance with the [CJA Payment Memorandum and Worksheets](#) to permit payment at the end of the case.

If appointed counsel has not previously received CJA payments from the federal courts, or if their information has changed, counsel should complete the [CJA Taxpayer Identification Form](#). Counsel not yet registered for electronic filing should proceed to the court's web site to register as an ECF filer, www.ca4.uscourts.gov.

Copies of any documents filed on appeal to date are accessible on the court's docket (if necessary, counsel may move to strike previously filed documents and file new documents on behalf of the defendant).

Record: Counsel should register for and use a separate, fee exempt PACER account in CJA cases. Go to: <http://www.pacer.gov> to register. The district court's PACER docket and electronic documents are accessible through a link to the district court docket from the appellate docket. The "Create Appendix" option enables counsel to combine multiple documents into one PDF record for printing or saving.

Presentence Report, Statement of Reasons, Transcripts: Since the presentence report and statement of reasons are sealed documents and the transcript is restricted from public access during the redaction period, counsel may need to make special arrangements to obtain these documents. If not available from former counsel, the documents can be obtained from the district court. (See [Record Access for New Appellate Counsel](#)). The Fourth Circuit's appointment deputy, Lisa McFarland, can also assist counsel in obtaining record items.

CONTACT INFORMATION:

Former counsel: John Scott Coalter
COALTER LAW P.L.L.C
910 North Elm Street
Greensboro, NC 27401
336-275-5885

Defendant: BRIAN DAVID HILL - #29947-057

Lisa McFarland, Deputy Clerk
804-916-2744

cc: John S. Brubaker
Anand P. Ramaswamy

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents. Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed** volume of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). Four sealed paper volumes must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed within 10 days. See Standing Order 14-01. Cover of sealed appendix volume must be marked SEALED, and paper

copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). Six public paper volumes must be sent to the court (five if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed within 10 days. See Standing Order 14-01. Paper copies of public volumes of appendix do not need to be served on other parties if they were served with full public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Four sealed paper copies must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed brief must be filed within 10 days. See Standing Order 14-01. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form..
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. Eight paper copies must be sent to the court (six if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed within 10 days. See Standing Order 14-01. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but other parties must be served in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 East Main Street, Suite 501, Richmond, Virginia 23219

www.ca4.uscourts.gov

February 5, 2015

No. 15-4057

(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

DOCKETING NOTICE--CRIMINAL CASE

TO: Counsel

ATTACHMENT(S): Memorandum on Sealed and Confidential Information

DUE DATE: 14 days from this notice

- This case has been placed on the court's docket under the above-referenced number, which should be used on all documents filed in this case.
- Counsel should review the above caption and promptly bring any necessary corrections to the case manager's attention.
- In consolidated cases, filings should be made using all case numbers to which the filing applies, beginning with the lead case number.

- Electronic filing is mandatory for counsel in all Fourth Circuit cases. Information on obtaining an electronic filing account is available on the court's Internet site.
- In cases in which more than one attorney represents a party, future notices will be sent only to attorneys who have entered an appearance as counsel of record; other attorneys will be removed from the case.
- Counsel must remove from documents filed with this court any social security numbers, juvenile names, dates of birth, financial account numbers, home addresses in criminal cases, and protected information regarding unexecuted summonses, jurors, presentence investigations, statements of reasons in criminal judgments, and substantial assistance agreements. Any sealed material must be filed in accordance with the enclosed Memorandum on Sealed and Confidential Material. The court does **not** seal its docket; therefore, counsel must use sealed entries for all sealed filings.
- Initial forms must be filed as directed in the following table of forms. The forms, available through the links below or on the court's Internet site, can be completed online and saved for filing in electronic form.

Form:	Required From:	Due:
<u>Appearance of Counsel</u>	Counsel of record for any party to the appeal (If not admitted to this court, counsel must complete and submit an <u>application for admission</u> .)	Within 14 days of this notice
<u>Disclosure Statement</u>	All parties to a civil or bankruptcy case and all corporate defendants in a criminal case (not required from the United States, from indigent parties, or from state or local governments in pro se cases)	Within 14 days of this notice
<u>Docketing Statement</u>	Appellant's counsel	Within 14 days of this notice
<u>Transcript Order</u>	Appellant, only if ordering transcript	Attach to docketing statement
<u>CJA 24</u>	Appellant, only if transcript is at court expense under Criminal Justice Act	Attach to docketing statement

I will be the case manager for this case. Please contact me at the number listed below if you have any questions regarding your case.

Cathi Bennett, Deputy Clerk
804-916-2704

SEALED & CONFIDENTIAL MATERIALS

Internet Availability of Docket & Documents

Fourth Circuit case dockets and documents are available on the Internet via the Judiciary's PACER system (Public Access to Court Electronic Records). The Fourth Circuit docket is available on the Internet even if the district court docket was sealed. If a party's name was sealed in the district court, it should be replaced by "Under Seal" or a pseudonym on appeal.

Due to the electronic availability of court documents, the federal rules prohibit including certain personal data identifiers in court filings. In addition, parties should not include any data in their filings that they would not want on the Internet. Counsel should advise their clients on this subject so that an informed decision can be made. Responsibility rests with counsel and the parties, not with the clerk.

Documents filed by the parties in immigration and social security cases are not accessible over the Internet to the public. In immigration and social security cases, public Internet access is limited to the court's docket, orders, and opinions.

Federal Rules of Procedure

The federal rules of procedure require filers to redact any of the following personal data identifiers (PDIs) if included in court filings: (1) social security and tax ID numbers must be limited to last four digits; (2) minor children must be identified by their initials only; (3) dates of birth must show the year only; (4) financial account numbers must be limited to the last four digits only; and (5) home addresses in criminal cases must be limited to city and state only. The federal rules establish limited exceptions to these redaction requirements. See Fed. R. App. P. 25(a)(5); Fed. R. Civ. P. 5.2; Fed. R. Crim. P. 49.1; Fed. R. Bankr. P. 9037

Judicial Conference Privacy Policy

In addition, the judiciary's regulation on [Privacy Policy for Electronic Case Files](#) prohibits filers from including any of the following criminal documents in the public file: (1) unexecuted summonses or warrants; (2) bail or presentence reports; (3) statement of reasons in judgment of conviction; (4) juvenile records; (5) identifying information about jurors or potential jurors; (6) CJA financial affidavits; (7) ex parte requests to authorize CJA services and (8) any sealed documents, such as motions for downward departure for substantial assistance, plea agreements

indicating cooperation, or victim statements.

Local Rule 25(c)

Local Rule 25(c) limits the sealing of documents by requiring that sealed record material be separated from unsealed material and placed in a sealed volume of the appendix and by requiring the filing of both sealed, highlighted versions and public, redacted versions of briefs and other documents. Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Documents that were not sealed before the agency or district court will not be sealed in this court unless a motion to seal is filed and granted in this court.

Since the ECF events for sealed filings make the documents accessible only to the court, counsel must serve sealed documents on the other parties in paper form.

Sealed Volume of Appendix

If sealed record material needs to be included in the appendix, it must be placed in a **separate, sealed** volume of the appendix and filed with a certificate of confidentiality. In consolidated criminal cases in which presentence reports are being filed for multiple defendants, each presentence report must be placed in a separate, sealed volume served only on Government counsel and counsel for the defendant who is the subject of the report.

- Use ECF event-**SEALED APPENDIX** to file sealed electronic appendix volume(s). Four sealed paper volumes must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed appendix must be filed within 10 days. See Standing Order 14-01. Cover of sealed appendix volume must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed volume must be served on other parties in paper form.
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed appendix filed with the court.
- Use ECF event-**APPENDIX** to file public electronic appendix volumes(s). Six public paper volumes must be sent to the court (five if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel

and in forma pauperis cases, only 1 paper copy of the appendix is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the appendix must be filed within 10 days. See Standing Order 14-01.

Paper copies of public volumes of appendix do not need to be served on other parties if they were served with full public appendix in electronic form.

Sealed Version of Brief

If sealed material needs to be referenced in a brief, counsel must file both a **sealed, highlighted version** of the brief and a **public, redacted version** of the brief, as well as a certificate of confidentiality.

- Use ECF event-**SEALED BRIEF** to file sealed electronic version of brief in which sealed material has been highlighted. Four sealed paper copies must be sent to the court. For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the sealed brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the sealed brief must be filed within 10 days. See Standing Order 14-01. Cover of sealed brief must be marked SEALED, and paper copies must be placed in envelopes marked SEALED. Sealed version must be served on other parties in paper form..
- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material. Paper copies of certificate of confidentiality must accompany the paper copies of the sealed brief filed with the court.
- Use ECF event-**BRIEF** to file public electronic version of brief from which sealed material has been redacted. Eight paper copies must be sent to the court (six if counsel is court appointed). For briefing orders after September 1, 2014, in appointed counsel and in forma pauperis cases, only 1 paper copy of the brief is required; if the case is tentatively calendared for oral argument, 3 additional paper copies of the brief must be filed within 10 days. See Standing Order 14-01. Paper copies of public brief do not need to be served on other parties.

Sealed Version of Motions and Other Documents

If sealed material needs to be referenced in a motion or other document, counsel must file both a **sealed, highlighted version** and a **public, redacted version**, as well as a certificate of confidentiality.

- Use ECF event-**SEALED DOCUMENT** to file sealed electronic version of document in which sealed material has been highlighted. First page of document must be marked SEALED. No paper copies need be filed, but

other parties must be served in paper form.

- Use ECF event-**Certificate of confidentiality** to identify authority for treating material as sealed and to identify who may have access to sealed material.
- Use the appropriate ECF event (e.g., **MOTION** or **RESPONSE/ANSWER**) to file public electronic version of document from which sealed material has been redacted. No paper copies of public document are needed for filing or service.

Motions to Seal

Counsel should file a motion to seal if the material was not previously sealed by virtue of the Privacy Policy for Electronic Case Files, or by statute, rule, regulation, or order. Counsel should also file a motion to seal if it is necessary to seal the entire brief or motion and not possible to create a public, redacted version.

The motion to seal must appear on the public docket for five days; therefore, counsel must file both a **sealed, highlighted version** of the motion to seal (along with a certificate of confidentiality) and a **public, redacted version** of the motion to seal. The motion to seal must identify the document or portions thereof for which sealing is requested, the reasons why sealing is necessary, the reasons a less drastic alternative will not afford adequate protection, and the period of time for which sealing is required.

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
APPEARANCE OF COUNSEL FORM

BAR ADMISSION & ECF REGISTRATION: If you have not been admitted to practice before the Fourth Circuit, you must complete and return an [Application for Admission](#) before filing this form. If you were admitted to practice under a different name than you are now using, you must include your former name when completing this form so that we can locate you on the attorney roll. Electronic filing by counsel is required in all Fourth Circuit cases. If you have not registered as a Fourth Circuit ECF Filer, please complete the required steps at www.ca4.uscourts.gov/cmecftop.htm.

THE CLERK WILL ENTER MY APPEARANCE IN APPEAL NO. _____ as

☐ Retained ☐ Court-appointed(CJA) ☐ Court-assigned(non-CJA) ☐ Federal Defender ☐ Pro Bono ☐ Government

COUNSEL FOR: _____ as the
(party name)

appellant(s) appellee(s) petitioner(s) respondent(s) amicus curiae intervenor(s)

(signature)

Name (printed or typed)

Voice Phone

Firm Name (if applicable)

Fax Number

Address

E-mail address (print or type)

OR, I, _____, **AM NOT PARTICIPATING IN THIS CASE.**
(Name)

APPELLATE COUNSEL IS: _____
(Name) (Phone)

CERTIFICATE OF SERVICE

I certify that on _____ the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Signature

Date

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,	:	
Appellee	:	
	:	
v.	:	No. 15-4057
	:	
BRIAN DAVID HILL	:	
Appellant	:	

MOTION TO DISMISS APPEAL

COMES NOW the United States of America, by and through Ripley Rand, United States Attorney for the Middle District of North Carolina, through his assistant, Anand P. Ramaswamy, to file this Motion to Dismiss Appeal. The Appellant has failed to give notice of appeal within the time limits set out in Fed.R.App.P. 4(b)(1)(A). The Appellant has failed to give notice of appeal within fourteen days of the entry of judgment, and has entered his filing beyond the extension of time available pursuant to Fed.R.App.P. 4(b)(4)(Thirty day extension available for good cause or excusable neglect). Therefore, the government submits the appeal should be dismissed. The government also respectfully requests that any briefing order(s) in this case be suspended pending the Court's ruling on this Motion.

SUMMARY OF RELEVANT FACTS

Defendant Brian David Hill ("Hill") was indicted by a federal grand jury in the Middle District of North Carolina on November 25, 2013, for one count of possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(b) and (b)(2). (ECF Docket#1 in Case 1:13CR435-1). On June 10, 2014, Hill entered a plea of guilty to Count One of the Indictment. (ECF Docket#20, Docket entry on 6/10/14). When the case was called for sentencing on September 30, 2014, Hill's attorney was allowed to withdraw as Hill's counsel, a new attorney was appointed, and the sentencing date was continued. On November 10, 2014, Hill was sentenced to 10 months and 20 days imprisonment, but not less than time served. (Docket Entry dated 11/10/14). Judgment was entered on November 12, 2014. (Docket Entry no. 54). In a pro se motion dated January 12, 2014 and docketed January 15, 2014, Hill requested that the district court extend the time in which an appeal could be filed, and Hill included a notice of appeal. (ECF Docket#55). The district court denied Hill's motion to extend the time to file appeal, in an order filed on January 16, 2014. (ECF Docket#57). The district court noted in that order that Hill had been advised at sentencing that Hill had 14 days within the entry of the written judgment to file notice of appeal, and that the farthest that the court *could* extend the filing date would be December 29, 2014. ((ECF Docket#57)).

ARGUMENT

Fed. R. App. P. 4(b)(1)(A)(i) provides that a defendant's notice of appeal in a criminal case must be filed within fourteen days of the entry of the judgment. Further, Fed. R. App. P. 4(b)(4) provides that, upon a finding of excusable neglect or good cause, the district court may extend the time limit up to an additional 30 days. Therefore, added together, the maximum period allowable is 44 days.

Appeal periods are not jurisdictional in criminal cases, but are court-prescribed "claims-processing rules" that do not affect this court's subject matter jurisdiction. See *Rice v. Rivera*, 617

F.3d 802, 810 (4th Cir.2010) (stating that non-statutory claim-processing rules are not jurisdictional); *United States v. Urutyan*, 564 F.3d 679, 685 (4th Cir.2009) ("[T]he non-statutory time

limits in Appellate Rule 4(b) do not affect subject matter jurisdiction."). The time bar in Rule 4(b) must be enforced when properly invoked by the government. *United States v. Mitchell*, 518 F.3d 740, 744, 750 (10th Cir.2008). Here, Defendant Hill's judgment was entered on November 12, 2014. His pro se notice of appeal was mailed on January 12, 2014, which was 61 calendar days after the judgment was entered. As the district court noted, even if the maximum extension had been granted and allowing for a holiday not counted, Defendant's appeal is still 14 days late. Thus, his notice of appeal was filed beyond the maximum period allowable. Because Defendant failed to file a timely notice of appeal, the government contends

that the appeal should be dismissed as untimely under Rule 4(b).

CONCLUSION

The United States respectfully submits that Defendant's appeal should be dismissed as untimely. The government also respectfully requests that any briefing order(s) in this case be suspended pending the Court's ruling on this Motion. The undersigned has contacted Appellant's counsel, Mark A. Jones, who indicates he objects to the government's motion.

This the 5th day of February, 2015.

Respectfully submitted,

RIPLEY RAND
United States Attorney

/S/ANAND P. RAMASWAMY
Assistant United States Attorney
NCSB #24991
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351
E-mail: anand.ramaswamy@usdoj.gov

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on February 5, 2015, I electronically filed the foregoing with the Clerk of Court using the CM/ECF System, which will send notice of such filing to the following registered CM/ECF user:

Mark A. Jones, Esquire

/S/ANAND P. RAMASWAMY
Assistant United States Attorney
NCSB #24991
United States Attorney's Office
Middle District of North Carolina
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351
E-mail: anand.ramaswamy@usdoj.gov

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 East Main Street, Suite 501, Richmond, Virginia 23219

February 5, 2015

RESPONSE REQUESTED

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Mark A. Jones

RESPONSE DUE: 02/20/2015

Response is required to the motion to dismiss appeal. Response must be filed by the response due date shown in this notice.

Cathi Bennett, Deputy Clerk
804-916-2704

RECEIVED

2015 FEB -5 AM 10:05

U.S. COURT OF APPEALS
FOURTH CIRCUIT

No. 15-4057

**United States Court of Appeals
for the Fourth Circuit**

BRIAN DAVID HILL

Defendant-Appellant

v.

UNITED STATES OF AMERICA

Plaintiff-Appellee

Appeal from the U.S. District Court

for the Middle District of North Carolina at Greensboro

The Honorable WILLIAM L. OSTEEN JR, District Judge

1:13-cr-435

MOTION FOR STAY OF JUDGMENT for defendant Brian D. Hill

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

Defendant filed a motion to stay judgment in the district court concerning the Judgment entered by the district court on the 12th day of November, 2014 (Doc #54).

For good cause, the defendant hereby moves this Court of Appeals to grant a partial stay of that judgment., staying any portion of that judgment which would return, forfeit, release, destroy, or in other manner dispose of property related to this case for 180 days from the entry of the stay.

BACKGROUND:

Within the judgment (Doc #54) was a box checked for :

“The defendant shall forfeit the defendant's interest in the following property to the United States: to the extent any personal items not related to the offense of this investigation, the United States is authorized to return those items to Mr. Hill at the conclusion of any appeals period.”

There was no explicit identification about what specific property would be included within the meaning of “the following property”.

The reason for the Motion for stay of Judgment was stated in the District Court that the defendant requested an independent forensic examination (Doc #59, Doc #58, and Doc #36) of his computer and hard drives to help prove his legal Innocence to the charge. If the computers are disposed of or destroyed then this will harm the defendant in his ability to prove his Innocence or find additional evidence to aid in his defense in a jury trial.

The defendant requests in addition to this MOTION request above that any personal items not related to the offense of this investigation, be returned to the defendant and his mother Roberta Hill(Some of the seized property actually belongs to Ms. Hill) upon the granting of this Motion since they hold no evidential value and will not have any ability to aid the United States in their prosecution.

Thank You!

Respectfully submitted,

Brian D. Hill

Signed

Brian D. Hill (pro se)

916 Chalmers St. – Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing MOTION TO STAY JUDGMENT
by deposit in the United States Mail, Postage prepaid,

on February 2nd, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Brian D. Hill

Signed

Brian D. Hill (pro se)
916 Chalmers St. – Apt. D
Martinsville, VA 24112
Phone: (276)632-2599

Brian David Hill
916 Chalmers St., Apt. D
Martinsville, VA 24112

USWGO

Brian D. Hill
Signed

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT
OF THE RETURN ADDRESS, FOLIO AT DOTTED LINE

CERTIFIED MAIL



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MARTINSVILLE, VA
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Clerk of the Court

**U.S. Court of Appeals, 4th Circuit
1100 East Main Street, Suite 501
Richmond, VA 23219**

NOTE: MOTION

Mailed February 2, 2015

222192353R C003



**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**
1100 East Main Street, Suite 501, Richmond, Virginia 23219

February 6, 2015

DOCUMENT TRANSMITTAL

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Brian David Hill

Receipt is acknowledged of the document recently transmitted to the court. We have forwarded these documents to your attorney, who will act on your behalf.

All future correspondence, including motions, should be sent to your attorney.

Cathi Bennett, Deputy Clerk
804-916-2704

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

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2015 FEB 10 AM 10:38

U.S. COURT OF APPEALS
FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
v. : No. 15-4057
BRIAN DAVID HILL :
Appellant :

RESPONSE TO MOTION TO DISMISS APPEAL

COMES NOW Brian Hill to file this Response to
Motion to Dismiss Appeal.

The Motion to Dismiss Appeal is clearly without merit in
alleging that the "Appellant has failed to give notice of appeal
within the time limits set out in Fed.R.App.P. 4(b)(1)(A)."

The Judgment of this appeal was entered January 16, 2015 (Doc
#57). The Notice appealing that judgment was entered January 29,
2015 (Doc #62), filed within the fourteen days set forth in the
Fed.R.App.P. Therefore, Appellant moves this Court that
Appellee's **Motion to Dismiss Appeal** should be **DENIED** as it
sets forth no viable argument for dismissal of this appeal.
Of note, the Appellee appears to incorrectly understand that
this appeal is an appeal of "Judgment was entered on November
12, 2014. (Docket Entry no. 54)." (See Motion to Dismiss page 2)

Respectfully submitted,

Brian D. Hill

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276) 632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing
RESPONSE TO MOTION TO DISMISS
by deposit in the United States Mail, Postage prepaid,

on February 5th, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

And to:

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029

Brian D. Hill

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D
Martinsville, VA 24112
Phone: (276) 632-2599

Brian David Hill
916 Chalmers St.,
Martinsville, VA 24112

USWGO

Brian D. Hill
Signed

CERTIFIED MAIL



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Clerk of the Court

U.S. Court of Appeals, 4th Circuit

1100 East Main Street, Suite 501

Richmond, VA 23219-3538

NOTE: RESPONSE TO MOTION

Sent Feb 6, 2015

U.S. MARSHALS

cb

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DISCLOSURE OF CORPORATE AFFILIATIONS AND OTHER INTERESTS

Disclosures must be filed on behalf of all parties to a civil, agency, bankruptcy or mandamus case, except that a disclosure statement is **not** required from the United States, from an indigent party, or from a state or local government in a pro se case. In mandamus cases arising from a civil or bankruptcy action, all parties to the action in the district court are considered parties to the mandamus case.

Corporate defendants in a criminal or post-conviction case and corporate amici curiae are required to file disclosure statements.

If counsel is not a registered ECF filer and does not intend to file documents other than the required disclosure statement, counsel may file the disclosure statement in paper rather than electronic form. Counsel has a continuing duty to update this information.

No. 15-4057 Caption: USA v. DAVID BRIAN HILL

Pursuant to FRAP 26.1 and Local Rule 26.1,

BRIAN DAVID HILL
(name of party/amicus)

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2015 FEB 10 AM 10:40
U.S. COURT OF APPEALS
FOURTH CIRCUIT

who is appellant , makes the following disclosure:
(appellant/appellee/petitioner/respondent/amicus/intervenor)

1. Is party/amicus a publicly held corporation or other publicly held entity? ☐ YES ☒ NO

2. Does party/amicus have any parent corporations? ☐ YES ☒ NO
If yes, identify all parent corporations, including grandparent and great-grandparent corporations:

3. Is 10% or more of the stock of a party/amicus owned by a publicly held corporation or other publicly held entity? ☐ YES ☒ NO
If yes, identify all such owners:

4. Is there any other publicly held corporation or other publicly held entity that has a direct financial interest in the outcome of the litigation (Local Rule 26.1(b))? ☐ YES ☒ NO
If yes, identify entity and nature of interest:

5. Is party a trade association? (amici curiae do not complete this question) ☐ YES ☒ NO
If yes, identify any publicly held member whose stock or equity value could be affected substantially by the outcome of the proceeding or whose claims the trade association is pursuing in a representative capacity, or state that there is no such member:

6. Does this case arise out of a bankruptcy proceeding? ☐ YES ☒ NO
If yes, identify any trustee and the members of any creditors' committee:

Signature: Brian D. Hill
Signed

Date: Feb 6, 2015

Counsel for: _____

CERTIFICATE OF SERVICE

I certify that on Feb 6, 2015 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
100 N. Cherry St., Suite 600
P. O. Box 21029
Winston Salem, NC 27120-1029

Brian D. Hill
(signature)

Feb 6, 2015
(date)

**UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT
DOCKETING STATEMENT--CRIMINAL CASES**

Directions: Counsel must make a **docketing statement (criminal)** entry in CM/ECF within 14 days of filing a notice of appeal or cross appeal, or within the due date set by the clerk's docketing notice, whichever is later. File with the entry the (1) docketing statement form and any extended answers, (2) any transcript order form, and (3) any CJA 24 authorization form. Counsel who filed the notice of appeal is responsible for filing the docketing statement even if different counsel will handle the appeal. In criminal cases, counsel who represented the defendant below must continue on appeal unless the court of appeals grants a motion to withdraw. Appellants proceeding pro se are not required to file a docketing statement. Opposing counsel may file objections to the docketing statement within 10 days of service using the ECF event-**docketing statement objection/correction**.

Appeal No. & Caption	USA v. DAVID BRIAN HILL
Originating No. & Caption	USA v. BRIAN DAVID HILL
District Court & Judge	Middle District of North Carolina, William L. Osteen, Jr.

Jurisdiction (answer any that apply)		
Date of entry of order/judgment appealed from	JANUARY 16, 2015	
Date this notice of appeal filed	JANUARY 29, 2015	
If cross appeal, date first notice of appeal filed		
Date of filing any post-judgment motion		
Date order entered disposing of any post-judgment motion		
Date of filing any motion to extend appeal period		
Time for filing appeal extended to		
Is appeal from final order or judgment?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
If appeal is not from final judgment, why is order appealable?		

RECEIVED
 2015 FEB 10 AM 10:39
 U.S. COURT OF APPEALS
 FOURTH CIRCUIT

Transcript – Order all necessary transcript now. Extensions of the briefing schedule to order additional transcript are disfavored

(Identify necessary transcript dates and state whether the transcript is on file or a copy of the transcript order is attached. CJA counsel must attach copy of the CJA 24 with the transcript order.).

Trial Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Plea Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Sentence Date:		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed
Other Date(s):		<input type="radio"/> On File	<input type="radio"/> Order Attached	<input checked="" type="radio"/> Not Needed

Case Handling Requirements (answer any that apply)

Case number of any prior appeal in same case		
Case number of any pending appeal in same case		
Identification of any case pending in this Court or Supreme Court raising similar issue	If abeyance or consolidation is warranted, counsel must file an appropriate motion.	
Is expedited disposition necessary?	<input type="radio"/> Yes	<input checked="" type="radio"/> No
If yes, motion to expedite must be filed.		

Issues (Non-binding statement of issues to raise on appeal. Attach additional page if necessary.)

ISSUE I.

It was error by the district court to DENY the pro se motion. The court failed to address the primary intent of the motion or failed to view the pleading as two motions and thereby failed to address one motion.

ISSUE II.

The time restriction for filing an appeal was unconstitutional as applied to the defendant.

Appellant's Name & Address	Counsel's Name & Address
Name: BRIAN DAVID HILL (pro se) Address: 916 Chalmers St. – Apt. D Martinsville, VA 24112	Name: Address:
E-Mail:	E-Mail:
Phone: 276-632-2599	Phone:

Signature: _____

Brian D. Hill
Signed

Date: _____

Feb 6, 2015

Counsel for: _____

Certificate of Service: I certify that on Feb 6, 2015 the foregoing document was served on all parties or their counsel of record through the CM/ECF system if they are registered users or, if they are not, by serving a true and correct copy at the addresses listed below:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
100 N. Cherry St., Suite 600
P. O. Box 21029
Winston Salem, NC 27120-1029

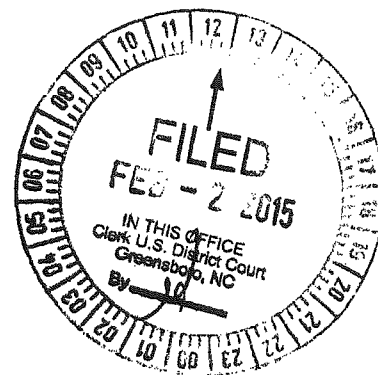
Signature: _____

Brian D. Hill

Date: _____

February 6, 2015

In the United States District Court
for the Middle District of North Carolina
Greensboro Division



Defendant, ~~Brian D. Hill~~

Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes

for case 13-cr-435 of proceedings held as follows :

Status Conference 6/4/2014

before JUDGE N. C. TILLEY, JR

CJA Voucher requested to pay Transcript fees as I am indigent under CJA status. So pursuant to the Criminal Justice Act (18 U.S.C. § 3006A) for purposes of Appeal, I ask for the Transcript under CJA Voucher.

Brian D. Hill *Jan 30, 2015*
signed

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

by deposit in the United States Mail, Postage prepaid,

on January 30th, 2015

a true and correct copy of the foregoing

REQUEST FOR TRANSCRIPT, and signed CJA Voucher form (attached)

addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

and a true and correct copy addressed to:

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

and a true and correct addressed to:
U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill			VOUCHER NUMBER		
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER		6. OTHER DKT. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other		10. REPRESENTATION TYPE (See Instructions) Pro Se	
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)							
REQUEST AND AUTHORIZATION FOR TRANSCRIPT							
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.							
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference, hearings for Pro Se motions filed - 6/4/2014 - 10 Pages							
14. SPECIAL AUTHORIZATIONS						JUDGE'S INITIALS	
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.							
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="display: flex; justify-content: space-between;"> <div> Brian D. Hill _____ Signature of Attorney </div> <div> 01/30/2015 _____ Date </div> </div> <div style="margin-top: 10px;"> Brian David Hill(Pro Se) _____ Printed Name </div> <div style="margin-top: 10px;"> Telephone Number: (276) 632-2599 <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization </div>				16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <div> _____ Signature of Presiding Judge or By Order of the Court </div> <div> _____ Date of Order </div> <div> _____ Nunc Pro Tunc Date </div> </div>			
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17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Jane Allen-Calhoun, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401 <div style="text-align: right;">Telephone Number: (336) 332-6033</div>			
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.							
20. TRANSCRIPT		INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL
Original		1-10	10	\$3.65			\$36.50
Copy		1-10	10	\$0.90			\$9.00
Expense (Itemize)		These are only estimated costs.					
TOTAL AMOUNT CLAIMED:							\$45.50
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. <div style="display: flex; justify-content: space-between;"> <div>Signature of Claimant/Payee _____</div> <div>Date _____</div> </div>							
ATTORNEY CERTIFICATION							
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Attorney or Clerk _____</div> <div>Date _____</div> </div>							
APPROVED FOR PAYMENT — COURT USE ONLY							
23. APPROVED FOR PAYMENT <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div>Signature of Judge or Clerk of Court _____</div> <div>Date _____</div> </div>						24. AMOUNT APPROVED	

January 30th, 2015

Jane Allen-Calhoun, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Status Conference 6/4/2014 - 10 pages

I am enclosing a copy of the CJA 24 voucher (filed with Clerk of the Court) form I have signed asking the United States to pay the transcript service fee. Since I am indigent I am sure the government will pay for the transcript fee for my Request for transcript.

If a fee is required, please ask the court how much I would be required to pay.

If you have any question, please let me know.

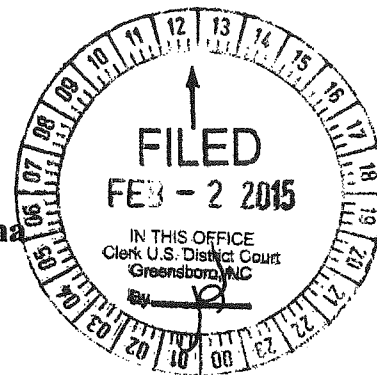
Best wishes to you,

Brian D. Hill
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

Brian D. Hill
signed

Enc.

In the United States District Court
for the Middle District of North Carolina
Greensboro Division



Defendant, ~~Brian D. Hill~~
Brian David Hill

v. Criminal Action No. 1:13cr435-1

Plaintiff, United States of America

REQUEST FOR TRANSCRIPT

Transcripts are requested for appeal purposes
for case 13-cr-435 of proceedings held as follows :

Change of Plea Hearing 6/10/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Motion Hearing 9/3/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Called for sentencing 9/30/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Status Conference 10/15/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Sentencing Hearing 11/10/2014
before CHIEF JUDGE WILLIAM L. OSTEEEN JR.

Brian D. Hill *Jan 30 2015*
signed

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

*CJA Vouchers requested to
pay Transcript fees as I
am indigent under CJA
status. So pursuant to
the Criminal Justice Act
(18 U.S.C §3026A) for purposes
of Appeal I ask for the
Transcripts under CJA Voucher.*

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing

by deposit in the United States Mail, Postage prepaid,

on January 30th, 2015

a true and correct copy of the foregoing

REQUEST FOR TRANSCRIPT, and signed CJA Voucher forms (attached)

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Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
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Greensboro, N.C. 27401

and a true and correct copy addressed to:

U.S. Court of Appeals
1100 E. Main St. Suite 501
Richmond, VA 23219

Brian D. Hill Jan 30, 2015

Brian D. Hill (pro se)

916 Chalmer St, Apt. D, Martinsville, VA 24112

Phone: (276)632-2599

January 30th, 2015

Joseph Armstrong, Court Reporter
North Carolina Middle District
324 W. Market Street
Greensboro, N.C. 27401

Re: U.S. v. Hill, District Court # 13CR435

1:13CR435-1

Enclosed please find a copy of a request for transcript filed with the court.

Change of Plea Hearing 6/10/2014
Motion Hearing 9/03/2014
Called for sentencing 9/30/2014
Status Conference 10/15/2014
Sentencing Hearing 11/10/2014

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If you have any question, please let me know.

Best wishes to you,

Brian D. Hill (Pro Se)
916 Chalmers St, Apt. D, Martinsville, VA 24112
Phone: (276)632-2599


Brian D. Hill
Signed

Enc.

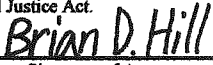
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A. Apportioned Cost _____ % of transcript with (Give case name and defendant)							
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited							
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions							
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17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other				18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401			
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20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED	TOTAL	
Original	1-28	28	\$3.65			\$102.20	
Copy	1-28	28	\$0.90			\$25.20	
Expense (Itemize)	These are only estimated costs.						
TOTAL AMOUNT CLAIMED:						\$127.40	
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. <div style="display: flex; justify-content: space-between;"> <div>Signature of Claimant/Payee _____</div> <div>Date _____</div> </div>							
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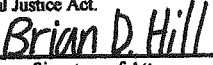
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14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)					
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited					
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions					
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20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED
Original	1-25	25	\$3.65		\$91.25
Copy	1-25	25	\$0.90		\$22.50
Expense (Itemize)	These are only estimated costs.				
TOTAL AMOUNT CLAIMED:					\$113.75
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____					
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APPROVED FOR PAYMENT — COURT USE ONLY					
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date					24. AMOUNT APPROVED

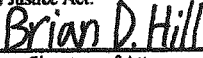
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14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)					
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited					
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Original	1-22	22	\$3.65		\$80.30
Copy	1-22	22	\$0.90		\$19.80
Expense (Itemize)	These are only estimated costs.				
TOTAL AMOUNT CLAIMED:					\$100.10
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____					
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REQUEST AND AUTHORIZATION FOR TRANSCRIPT					
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.					
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Status Conference - 10/15/2014 - 13 Pages					
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)					
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited					
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions					
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.					
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="text-align: center;">  Signature of Attorney </div> <div style="text-align: center;"> Brian David Hill(Pro Se) Printed Name </div> <div style="text-align: center;"> (276) 632-2599 Telephone Number: </div> <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization			16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="text-align: center;"> _____ Signature of Presiding Judge or By Order of the Court </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> _____ Date of Order </div> <div style="text-align: center;"> _____ Nunc Pro Tunc Date </div> </div>		
CLAIM FOR SERVICES					
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401		
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.			Telephone Number: (336) 332-6034		
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED
Original	1-13	13	\$3.65		\$47.45
Copy	1-13	13	\$0.90		\$13.90
Expense (Itemize)		These are only estimated costs.			
TOTAL AMOUNT CLAIMED:					\$61.35
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____					
ATTORNEY CERTIFICATION					
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date					
APPROVED FOR PAYMENT — COURT USE ONLY					
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date					24. AMOUNT APPROVED

CJA 24 AUTHORIZATION AND VOUCHER FOR PAYMENT OF TRANSCRIPT (Rev. 01/08)

1. CIR./DIST./DIV. CODE		2. PERSON REPRESENTED Brian David Hill		VOUCHER NUMBER	
3. MAG. DKT./DEF. NUMBER		4. DIST. DKT./DEF. NUMBER 1:13-CR-435-1		5. APPEALS DKT./DEF. NUMBER	
7. IN CASE/MATTER OF (Case Name) U.S. v. Brian David Hill		8. PAYMENT CATEGORY <input checked="" type="checkbox"/> Felony <input type="checkbox"/> Petty Offense <input type="checkbox"/> Misdemeanor <input type="checkbox"/> Other <input type="checkbox"/> Appeal		9. TYPE PERSON REPRESENTED <input checked="" type="checkbox"/> Adult Defendant <input type="checkbox"/> Appellant <input type="checkbox"/> Juvenile Defendant <input type="checkbox"/> Appellee <input type="checkbox"/> Other	
10. REPRESENTATION TYPE (See Instructions) Pro Se					
11. OFFENSE(S) CHARGED (Cite U.S. Code, Title & Section) <i>If more than one offense, list (up to five) major offenses charged, according to severity of offense.</i> 18:2252A(a)(5)(B) and (b)(2) Possess child pornography of a prepubescent minor under 12 years of age (1)					
REQUEST AND AUTHORIZATION FOR TRANSCRIPT					
12. PROCEEDING IN WHICH TRANSCRIPT IS TO BE USED (Describe briefly) For the purpose of appealing my conviction. I need to review the transcripts before I file an appeal brief in the Court of Appeal. I need the entire transcript of the hearing or hearings to find any errors to prepare for the appeal brief. Appeal is reason for request.					
13. PROCEEDING TO BE TRANSCRIBED (Describe specifically). NOTE: The trial transcripts are not to include prosecution opening statement, defense opening statement, prosecution argument, defense argument, prosecution rebuttal, voir dire or jury instructions, unless specifically authorized by the Court (see Item 14). Sentencing Hearing - 11/10/2014 - 17 Pages					
14. SPECIAL AUTHORIZATIONS					JUDGE'S INITIALS
A. Apportioned Cost _____ % of transcript with (Give case name and defendant)					
B. <input type="checkbox"/> 14-Day <input type="checkbox"/> Expedited <input type="checkbox"/> Daily <input type="checkbox"/> Hourly <input type="checkbox"/> Realtime Unedited					
C. <input type="checkbox"/> Prosecution Opening Statement <input type="checkbox"/> Prosecution Argument <input type="checkbox"/> Prosecution Rebuttal <input type="checkbox"/> Defense Opening Statement <input type="checkbox"/> Defense Argument <input type="checkbox"/> Voir Dire <input type="checkbox"/> Jury Instructions					
D. In this multi-defendant case, commercial duplication of transcripts will impede the delivery of accelerated transcript services to persons proceeding under the Criminal Justice Act.					
15. ATTORNEY'S STATEMENT As the attorney for the person represented who is managed above, I hereby affirm that the transcript requested is necessary for adequate representation. I, therefore, request authorization to obtain the transcript services at the expense of the United States pursuant to the Criminal Justice Act. <div style="text-align: center;">  Signature of Attorney </div> <div style="text-align: center;"> Brian David Hill(Pro Se) Printed Name </div> <div style="text-align: center;"> (276) 632-2599 Telephone Number </div> <input type="checkbox"/> Panel Attorney <input type="checkbox"/> Retained Attorney <input checked="" type="checkbox"/> Pro-Se <input type="checkbox"/> Legal Organization			16. COURT ORDER Financial eligibility of the person represented having been established to the Court's satisfaction the authorization requested in Item 15 is hereby granted. <div style="text-align: center;"> _____ Signature of Presiding Judge or By Order of the Court </div> <div style="display: flex; justify-content: space-between;"> <div style="text-align: center;"> _____ Date of Order </div> <div style="text-align: center;"> _____ Nunc Pro Tunc Date </div> </div>		
CLAIM FOR SERVICES					
17. COURT REPORTER/TRANSCRIBER STATUS <input checked="" type="checkbox"/> Official <input type="checkbox"/> Contract <input type="checkbox"/> Transcriber <input type="checkbox"/> Other			18. PAYEE'S NAME AND MAILING ADDRESS Joseph Armstrong, North Carolina Middle District 324 W. Market St., Greensboro, N.C. 27401		
19. SOCIAL SECURITY NUMBER OR EMPLOYER ID NUMBER OF PAYEE Brian: I don't have that information.			Telephone Number: (336) 332-6034		
20. TRANSCRIPT	INCLUDE PAGE NUMBERS	NO. OF PAGES	RATE PER PAGE	SUB-TOTAL	LESS AMOUNT APPORTIONED
Original	1-17	17	\$3.65		\$62.05
Copy	1-17	17	\$0.90		\$15.30
Expense (Itemize)	These are only estimated costs.				
TOTAL AMOUNT CLAIMED:					\$77.35
21. CLAIMANT'S CERTIFICATION OF SERVICE PROVIDED I hereby certify that the above claim is for services rendered and is correct, and that I have not sought or received payment (compensation or anything of value) from any other source for these services. Signature of Claimant/Payee _____ Date _____					
ATTORNEY CERTIFICATION					
22. CERTIFICATION OF ATTORNEY OR CLERK I hereby certify that the services were rendered and that the transcript was received. _____ Signature of Attorney or Clerk Date					
APPROVED FOR PAYMENT — COURT USE ONLY					
23. APPROVED FOR PAYMENT _____ Signature of Judge or Clerk of Court Date					24. AMOUNT APPROVED

Brian David Hill
916 Chalmers St.
Martinsville, VA 2

U.S.W.G.O.

Brian D. Hill
Signed

CERTIFIED MAIL



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U.S. Court of Appeals, 4th Circuit

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Richmond, VA 23219

NOTE: ~~RESPONSE TO MOTION~~

Sent Feb 6, 2015 Docketing Statement and Disclosure statement

**UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

1100 East Main Street, Suite 501, Richmond, Virginia 23219

February 11, 2015

DOCUMENT TRANSMITTAL

No. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

TO: Brian David Hill

Receipt is acknowledged of the document(s) recently transmitted to the court. We have forwarded these documents to your attorney, who will act on your behalf.

All future correspondence, including motions, should be sent to your attorney.

Cathi Bennett, Deputy Clerk
804-916-2704

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA,)
 Appellee)
 v.)
) App. No. 15-4057
BRIAN DAVID HILL,)
 Appellant)

RESPONSE TO GOVERNMENT'S MOTION TO DISMISS APPEAL

NOW COMES Appellant Brian David Hill, by and through undersigned appointed counsel, responding to the government's motion to dismiss the appeal. For the reasons set forth below, this Court should deny the government's motion.

The Grand Jury returned a one count Bill of Indictment against Brian David Hill, on November 25, 2013, alleging his possession of child pornography, in violation of 18 U.S.C. § 2252A(a)(5)(b) and (b)(2). (Doc. No. 1.) Appellant plead guilty, pursuant to signed plea agreement, (Doc. No. 20), on June 10, 2014. The U.S. District Court conducted the sentencing hearing on November 10, 2014. A written judgment was entered on November 12, 2014. (Doc. No. 54.) By motion of January 12, 2015, docketed by the district court clerk on January 15, 2015, Appellant sought an extension of the time in which to file his notice of appeal. (Doc. No. 55.) By Order the next day, the district court denied the extension request. (Doc. No. 57.) This Court noted a January 29, 2015 filing of a notice of appeal. The government argues that the appeal should now be dismissed because the Appellant's notice did not strictly comply

with the requirements of Fed. R. App. P. 4(b)(1)(A), which provides that a criminal defendant's notice of appeal must be filed within fourteen days of the entry of the written judgment.

Notably, the period in which to note an appeal can be extended under Fed. R. App. P. 4(b)(4) for an additional 30 days. And, as this Court has held, the time tables of Rule 4 do not affect this Court's subject-matter jurisdiction. *United States v. Urutyan*, 564 F.3d 679, 685 (4th Cir. 2009).

Though the government has moved to dismiss the appeal as untimely, consideration of the merits of this matter will not waste judicial resources or judicial administration and the delay -- 61 days as calculated by the government -- is not inordinate. See *United States v. Tejada-Martinez*, 475 Fed. Appx, 482, 483 (4th Cir. 2012) (finding 52-day delay not inordinate). With an extension, 44 days is allowed and Appellant's notice arguably fell just more than 2 weeks after that cut-off. This Court has full discretion whether to allow the appeal to continue, and thus whether to fully adjudicate the merit of Appellant's conviction, or to summarily dismiss the appeal. Accordingly, this Court should deny the government's motion to dismiss the appeal.

Respectfully submitted, this the 17th day of February, 2015.

/s/ Mark A. Jones
Counsel for Appellant Hill
NCSB# 36215
P.O. Box 21029
Winston-Salem, NC 27120-1029
Telephone - (336) 722-3700

Certificate of Service

I have this day, February 17, 2015, served a copy of the foregoing on an attorney for the government, that is

ANAND P. RAMASWAMY
Assistant United States Attorney
101 S. Edgeworth St., 4th Floor
Greensboro, NC 27401
Phone: 336/333-5351
E-mail: anand.ramaswamy@usdoj.gov

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
 :
v. : No. 15-4057
 :
BRIAN DAVID HILL :
Appellant :

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FOURTH CIRCUIT

MOTION TO STRIKE DOC 14

COMES NOW Brian Hill to file this Motion to Strike Doc 14 (RESPONSE TO GOVERNMENT'S MOTION TO DISMISS APPEAL) which was filed on February 17, 2015 by Mark Jones without consent or discussion with Appellant and does not represent the Appellant's argument in response to the MOTION TO DISMISS APPEAL (Doc 6 filed February 5, 2015) concerning DENIAL of A MOTION for which this appeal was filed (See Doc 62 NOTICE OF APPEAL filed on January 29, 2015 in the district court for the Middle District of North Carolina, case 1:13-cr-435 appealing Order(Doc 57) entered January 16, 2015).

Regardless, the **Motion to Dismiss Appeal** should be **DENIED** as it sets forth no viable argument for dismissal of this appeal of a DENIAL of a MOTION (See Doc 10 filed February 10, 2015).

Respectfully submitted,

Brian D. Hill

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing
MOTION TO STRIKE DOC 14
by deposit in the United States Mail, Postage prepaid,

on February 23, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

And to:

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029

Brian D. Hill
signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D
Martinsville, VA 24112
Phone: (276) 632-2599

CB

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
 :
v. : No. 15-4057
 :
BRIAN DAVID HILL :
Appellant :

MOTION TO PROCEED PRO SE

Appellant ("Hill") moves this court to allow Hill to forgo representation and to exercise his constitutional right to conduct his own defense.

Further, Hill moves the court to accept documents previously filed as pro se (See Doc #8,10,11, and 12)

Respectfully submitted,

Brian D Hill
signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276)632-2599

RECEIVED
2015 FEB 24 PM 2: 22
U.S. COURT OF APPEALS
FOURTH CIRCUIT

CERTIFICATE OF SERVICE

I hereby certify that service was made by mailing
a true and correct copy of the foregoing
MOTION TO PROCEED PRO SE
by deposit in the United States Mail, Postage prepaid,

on February, 23, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401

And to:

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D
Martinsville, VA 24112
Phone: (276) 632-2599



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Mo. 2 Day 23	Delivery Date	<input type="checkbox"/> PM	Employee Signature
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<input type="checkbox"/> NO DELIVERY <input type="checkbox"/> Signature <input type="checkbox"/> Waiver of Signature (Domestic Mail Only) <small>Additional merchandise insurance is void if customer requests waiver of signature. (With delivery to be made without delivery signature of addressee or addressee's agent (if delivery employee is authorized to deliver) employee's signature constitutes valid proof of delivery.)</small>			
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IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
v. : No. 15-4057
BRIAN DAVID HILL :
Appellant :

EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION

COMES NOW Brian Hill to file this EMERGENCY REQUEST with Cathi Bennett to file with the Clerk of the Court Patricia S. Connor, to request that the Clerk act on the Appellant's MOTION TO PROCEED PRO SE (See Doc 16 MOTION TO PROCEED PRO SE, filed February 24, 2015), pursuant to **Local Rule 27(b)**, "Procedural Orders Acted on by Clerk; Reconsideration Thereof." The Appellant consents to the Clerk acting on Document 16 to order that the Appellant proceeds Pro Se upon agreement of the Appellee or in the event the request is unopposed by all parties. Appellee has already given good reasons why he should proceed Pro Se without Court Appointed Counsel. Already Document 15 titled MOTION TO STRIKE DOC 14 (See Doc 14 MOTION TO STRIKE DOC filed February 24, 2015) explains that counsel does not represent the Appellant's argument in response to the MOTION TO DISMISS APPEAL (Doc 6 filed February 5, 2015).

Since the Clerk filed an ORDER for Mark A. Jones to represent Appellant on Appeal then the

clerk can also ORDER the removal of counsel and allow the Appellant to proceed on a Pro Se basis for this Appeal. The Appellant has faxed the REQUEST to the Appellee prior to faxing to The Court as an EMERGENCY REQUEST for asking approval or non-opposition to this request to allow the Clerk to Act on the MOTION TO PROCEED PRO SE (See Doc 16 MOTION TO PROCEED PRO SE, filed February 24, 2015).

Therefore, I request that the Clerk of the Court of the U.S. Court of Appeals Act on the MOTION TO PROCEED PRO SE.

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276) 632-2599

CERTIFICATE OF SERVICE

I hereby certify that service was made by facsimile
of a true and correct copy of the foregoing
EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION
by Fax Machine,

on April 6, 2015 addressed to:

Mr. Anand P. Ramaswamy
Assistant United States Attorney
101 South Edgeworth Street
Greenboro, NC 27401
Fax: (336) 333-5381

And to:

Mr. Mark A. Jones
BELL, DAVIS & PITT, PA
P. O. Box 21029
Suite 600
Winston-Salem, NC 27120-1029
Fax: (336) 714-4101

Note: Fax Transmission Ticket attached to this CERTIFICATE OF
SERVICE as proof of service.

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D
Martinsville, VA 24112
Phone: (276) 632-2599

IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

UNITED STATES OF AMERICA, :
Appellee :
v. : No. 15-4057
BRIAN DAVID HILL :
Appellant :

REASONS FOR FACSIMILE FILING OF
EMERGENCY REQUEST THAT THE CLERK ACT ON MOTION

COMES NOW Brian Hill to state multiple valid reasons why
the Facsimile of the EMERGENCY REQUEST THAT THE CLERK ACT ON
MOTION is necessary and is compliant under **Local Rule 25(b)**.

"Use of Facsimile Equipment, Service, Certificate of Service.

Citing from Rule 25(b),

"Documents may be transmitted for filing by use of facsimile
transmission equipment only when an **emergency situation exists**
and advance permission has been
obtained to use the clerk's office facsimile equipment."

The reason this EMERGENCY REQUEST was not filed last month was
that the Appellant assumed that the U.S. Court of Appeals would
have acted on the Pro Se Motion filed by the Appellant in
February, and for the first reason stated in Page 2.

Since the Motion was not ruled on as of yet, Appellant has
decided to Fax the EMERGENCY REQUEST THAT THE CLERK ACT ON
MOTION and state multiple valid reasons as to why to he
Believed he is compliant with the Local Court rules.

1. The Appellate counsel Mark A. Jones has been targeted by an anonymous threatening email in an attempt to derail the Appellant's Appeal, which is attached to this filing which states the reasons for such emergency request. Appellant had reported the threatening message via Fax to the Richmond, VA FBI field Office and waited over a month for the FBI to find the culprit. Since no culprit has been found, the Appellant has decided to file the EMERGENCY REQUEST since the threat has influenced Appellant counsel. The threatening email came to the attention of Appellant Counsel prior to his electronic filing of Doc 14 (RESPONSE TO GOVERNMENT'S MOTION TO DISMISS APPEAL) which was filed on February 17, 2015 by Mark Jones without consent or discussion with Appellant and does not represent the Appellant's argument in response to the MOTION TO DISMISS APPEAL (Doc 6 filed February 5, 2015).
2. The Appellate counsel Mark A. Jones has had prior ties with the U.S. District Court Chief Judge William L. Osteen Jr. and Sr. as a law clerk for both of those Judges prior to being appointed as counsel for the Appellant which carries a risk for a possible conflict of interest since the Appeal is of a Judgment by William L. Osteen Junior.
3. The Appellant is barred from using the Internet while under the sentence of Supervised Release, without the permission of his Probation Officer. Which means that the Appellant cannot electronically file through the ECF/CM system as a Pro Se filer.
4. The U.S. Postal Service takes beyond 3-4 days for a mailing to arrive at the U.S. Court of Appeals in Richmond, VA from the Appellant who lives in Martinsville, VA. The Appellant feels that under the current circumstances it was necessary to file the EMERGENCY REQUEST via facsimile.

Therefore, I state multiple valid reasons why I had to file the EMERGENCY REQUEST with the Clerk of the Court of the U.S. Court of Appeals using Facsimile equipment.

Respectfully submitted,

Brian D. Hill
Signed

Brian D. Hill (pro se)
916 Chalmers St. - Apt. D, Martinsville, VA 24112
Phone: (276) 632-2599

UNPUBLISHEDUNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

BRIAN DAVID HILL,

Defendant - Appellant.

Appeal from the United States District Court for the Middle District of North Carolina, at Greensboro. William L. Osteen, Jr., Chief District Judge. (1:13-cr-00435-WO-1)

Submitted: March 30, 2015

Decided: April 7, 2015

Before GREGORY and HARRIS, Circuit Judges, and DAVIS, Senior Circuit Judge.

Affirmed in part; dismissed in part by unpublished per curiam opinion.

Mark A. Jones, BELL, DAVIS & PITT, PA, Winston-Salem, North Carolina, for Appellant. Anand P. Ramaswamy, Assistant United States Attorney, Greensboro, North Carolina, for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Brian David Hill appeals the district court's order denying his motion for an extension of time to appeal his conviction and sentence. Upon review, we conclude that the district court did not abuse its discretion in denying Hill's motion. Accordingly, we affirm this portion of the appeal for the reasons stated by the district court. United States v. Hill, No. 1:13-cr-00435-WO-1 (M.D.N.C. Jan. 16, 2015).

To the extent Hill also seeks to appeal the criminal judgment entered against him, the Government has moved to dismiss that portion of the appeal as untimely. In criminal cases, the defendant must file the notice of appeal within 14 days after the entry of judgment or the order being appealed. Fed. R. App. P. 4(b)(1)(A). Upon a showing of excusable neglect or good cause, the district court may grant an extension of no more than 30 additional days to file a notice of appeal. Fed. R. App. P. 4(b)(4), 26(b).

The district court entered the criminal judgment on November 12, 2014. Hill filed a notice of appeal on January 29, 2015, well beyond the expiration of the appeal and excusable neglect periods. We therefore grant the Government's motion to dismiss this portion of the appeal as untimely because Hill

failed to file a timely notice of appeal or obtain an extension of the appeal period.*

We deny Hill's motions to strike and to proceed pro se and dispense with oral argument because the facts and legal contentions are adequately presented in the materials before this court and argument would not aid the decisional process.

AFFIRMED IN PART;
DISMISSED IN PART

* Even if we construe the January 12, 2015 motion for an extension of time as a notice of appeal from the criminal judgment, the appeal still is untimely as to the criminal judgment.

FILED: April 7, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 15-4057
(1:13-cr-00435-WO-1)

UNITED STATES OF AMERICA

Plaintiff - Appellee

v.

BRIAN DAVID HILL

Defendant - Appellant

J U D G M E N T

In accordance with the decision of this court, the judgment of the district court is affirmed in part. The appeal is dismissed in part.

This judgment shall take effect upon issuance of this court's mandate in accordance with Fed. R. App. P. 41.

/s/ PATRICIA S. CONNOR, CLERK

FILED: April 7, 2015

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUITNo. 15-4057, US v. Brian D. Hill
1:13-cr-00435-WO-1

NOTICE OF JUDGMENT

Judgment was entered on this date in accordance with Fed. R. App. P. 36. Please be advised of the following time periods:

PETITION FOR WRIT OF CERTIORARI: To be timely, a petition for certiorari must be filed in the United States Supreme Court within 90 days of this court's entry of judgment. The time does not run from issuance of the mandate. If a petition for panel or en banc rehearing is timely filed, the time runs from denial of that petition. Review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only for compelling reasons.

(www.supremecourt.gov)

VOUCHERS FOR PAYMENT OF APPOINTED OR ASSIGNED

COUNSEL: Vouchers are sent to counsel appointed or assigned by the court in a separate transmission at the time judgment is entered. CJA 30 vouchers are sent to counsel in capital cases. CJA 20 vouchers are sent to counsel in criminal, post-judgment, habeas, and § 2255 cases. Assigned counsel vouchers are sent to counsel in civil, civil rights, and agency cases. Vouchers should be completed and returned within 60 days of the later of entry of judgment, denial of a petition for rehearing, or the grant or denial of a petition for writ of certiorari. If counsel appointed or assigned by the court did not receive a voucher, forms and instructions are available from the court's web site, www.ca4.uscourts.gov, or from the clerk's office.

BILL OF COSTS: A party to whom costs are allowable, who desires taxation of costs, shall file a [Bill of Costs](#) within 14 calendar days of entry of judgment. (FRAP 39, Loc. R. 39(b)).

PETITION FOR REHEARING AND PETITION FOR REHEARING EN

BANC: A petition for rehearing must be filed within 14 calendar days after entry of judgment, except that in civil cases in which the United States or its officer or agency is a party, the petition must be filed within 45 days after entry of judgment. A petition for rehearing en banc must be filed within the same time limits and in the same document as the petition for rehearing and must be clearly identified in the title. The only grounds for an extension of time to file a petition for rehearing are the death or serious illness of counsel or a family member (or of a party or family member in pro se cases) or an extraordinary circumstance wholly beyond the control of counsel or a party proceeding without counsel.

Each case number to which the petition applies must be listed on the petition to identify the cases to which the petition applies and to avoid companion cases proceeding to mandate during the pendency of a petition for rehearing in the lead case. A timely filed petition for rehearing or petition for rehearing en banc stays the mandate and tolls the running of time for filing a petition for writ of certiorari.

A petition for rehearing must contain an introduction stating that, in counsel's judgment, one or more of the following situations exist: (1) a material factual or legal matter was overlooked; (2) a change in the law occurred after submission of the case and was overlooked; (3) the opinion conflicts with a decision of the U.S. Supreme Court, this court, or another court of appeals, and the conflict was not addressed; or (4) the case involves one or more questions of exceptional importance. A petition for rehearing, with or without a petition for rehearing en banc, may not exceed 15 pages. Copies are not required unless requested by the court. (FRAP 35 & 40, Loc. R. 40(c)).

MANDATE: In original proceedings before this court, there is no mandate. Unless the court shortens or extends the time, in all other cases, the mandate issues 7 days after the expiration of the time for filing a petition for rehearing. A timely petition for rehearing, petition for rehearing en banc, or motion to stay the mandate will stay issuance of the mandate. If the petition or motion is denied, the mandate will issue 7 days later. A motion to stay the mandate will ordinarily be denied, unless the motion presents a substantial question or otherwise sets forth good or probable cause for a stay. (FRAP 41, Loc. R. 41).

UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT**CERTIORARI STATUS FORM – DUE WITHIN FIRST 60 DAYS OF CERTIORARI PERIOD**

CASE NO. _____ CASE CAPTION _____

Certiorari Obligations

The Fourth Circuit's [CJA Plan](#) provides as follows at § 5, ¶ 2:

Every attorney, including retained counsel, who represents a defendant in this court shall continue to represent his client after termination of the appeal unless relieved of further responsibility by this court or the Supreme Court. Where counsel has not been relieved:

If the judgment of this court is adverse to the defendant, counsel shall inform the defendant, in writing, of his right to petition the Supreme Court for a writ of certiorari. If the defendant, in writing, so requests and in counsel's considered judgment there are grounds for seeking Supreme Court review, counsel shall prepare and file a timely petition for such a writ and transmit a copy to the defendant. Thereafter, unless otherwise instructed by the Supreme Court or its clerk, or unless any applicable rule, order or plan of the Supreme Court shall otherwise provide, counsel shall take whatever further steps are necessary to protect the rights of the defendant, until the petition is granted or denied.

If the appellant requests that a petition for writ of certiorari be filed but counsel believes that such a petition would be frivolous, counsel may file a motion to withdraw with this court wherein counsel requests to be relieved of the responsibility of filing a petition for writ of certiorari. The motion must reflect that a copy was served on the client.

Filing Time for Petition for Certiorari – Effect of Petition for Panel or En Banc Rehearing

A petition for panel or en banc rehearing in a criminal case is timely if filed within 14 days of the Court's decision. Counsel's duty is fully discharged without filing a petition for panel or en banc rehearing unless, in counsel's judgment, the case meets the rigorous requirements of Local Rule 40(b) for panel rehearing or Fed. R. App. P. 35(b) for en banc rehearing.

If no petition for panel or en banc rehearing is filed, the 90-day period for filing a petition for certiorari runs from the date of this Court's decision. If a timely petition for panel or en banc rehearing is filed and denied, the 90-day period for filing a petition for certiorari runs from the date the petition is denied.

Information on filing a pro se petition for writ of certiorari is available from the Supreme Court of the United States, Office of the Clerk, Washington, D.C. 20543-0001.

Filing of Certiorari Status Form by Counsel

To protect defendant's certiorari rights in any case in which the Court's judgment was adverse to the defendant, counsel must return this or like form within the first 60 days of the certiorari period and serve a copy on defendant. Counsel must file an amended **Certiorari Status Form** if the information subsequently changes.

The Court will not consider counsel's CJA 20 payment voucher until counsel has completed their representation, including filing of the Certiorari Status Form.

CERTIORARI STATUS FORM**Please select one:**

My client has asked that I file a certiorari petition; I am filing a petition for certiorari in this case.

I have advised my client regarding his/her certiorari rights and filed a motion to withdraw as counsel in the Fourth Circuit on the grounds that a certiorari petition would be frivolous.

My client has informed me that he/she does **NOT** request that I file a petition for certiorari.

More than 30 days have elapsed since I asked my client to inform me whether a certiorari petition is requested; my client has not responded.

A certiorari petition is unnecessary because the decision was not adverse to my client.

Other Comments:

Signature

Date**CERTIFICATE OF SERVICE**

I certify that on _____ the foregoing document was served on defendant at the address listed below:

Signature

Date

File form electronically using entry Certiorari status form.

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT**

UNITED STATES OF AMERICA)	
)	
)	
vs.)	DOCKET NO. 15-4057
)	
BRIAN DAVID HILL,)	
)	
Appellant.)	
_____)	

APPOINTED COUNSEL’S MOTION TO WITHDRAW

NOW COMES the undersigned counsel for Appellant Brian David Hill, Mark A. Jones, Esq., hereby moving this Honorable Court to withdraw from this matter and to be relieved of the responsibility of filing a petition for certiorari. In support, the undersigned shows unto the Court the following.

1. The undersigned was appointed pursuant to the Criminal Justice Act on February 5, 2015.
2. The government moved to dismiss the appeal as untimely and the undersigned filed a response opposing the dismissal of the case. Today, April 7, 2015, this Court granted the government’s motion to dismiss the appeal and affirmed the decision of the district court not to extend the time for filing an appeal.
3. Undersigned filed a Certiorari Form today, April 7, 2015.

4. After a careful and thorough review of the issues presented in this appeal, the undersigned has formed the opinion that a petition for a writ of certiorari would be frivolous.
5. A copy of this motion has been served on Appellant, and he has been notified of his right to file a response to this motion within seven (7) days.

WHEREFORE, the undersigned appointed counsel respectfully requests that he be allowed to withdraw from this matter and that he be relieved of the responsibility of filing a petition for certiorari in this matter.

RESPECTFULLY SUBMITTED, this the 7th day of April, 2015.

/s/Mark A. Jones

BELL, DAVIS & PITT, P.A.

Attorney for Appellant

North Carolina Bar # 36215

100 N. Cherry St, Suite 600

Winston-Salem, NC 27101

Phone:(336)714-4122

Facsimile:(336)714-4101

Mjones@belldavispitt.com

CERTIFICATE OF SERVICE

I certify that I have this day served a copy of the above upon Appellant Brian Hill by sending copy, certified mail, return receipt requested to him at the following address:

Brian David Hill
916 Chalmers St. Apt D
Martinsville, VA 24112

This the 7th day of April, 2015

/s/ Mark A. Jones
BELL, DAVIS & PITT, P.A.
Attorney for Defendant
North Carolina Bar # 36215
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